

REFERENCE NO - 19/503912/FULL			
APPLICATION PROPOSAL			
Development of the site with 302 dwellings, parking, access, amenity space, landscaping and associated works.			
ADDRESS Land At Bicknor Farm, Sutton Road, Langley, Kent, ME17 3NG			
RECOMMENDATION – APPROVE WITH CONDITIONS			
SUMMARY OF REASONS FOR RECOMMENDATION			
<ul style="list-style-type: none"> • The site is allocated for 335 houses within the Local Plan under policy H1(9) subject to criterion. • The application proposes 302 houses and for the reasons outlined in the report complies with the criterion under policy H1(9) subject to the legal agreement and conditions. • KCC Highways are raising objections on the basis of an unacceptably severe traffic impact on the A274 corridor. For the reasons outlined in the report the Local Planning Authority does not agree, and the objections are not considered to be reasonable grounds to refuse planning permission. • The application complies with site policy H1(9) and all other relevant Development Plan policies. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions set out below. 			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none"> • The recommendation is contrary to the view of Kent Highways (statutory consultee). 			
WARD Downswood And Otham	PARISH COUNCIL Otham	APPLICANT Redrow Homes South East AGENT Urbanissta	
DECISION DUE DATE: 14/02/20	PUBLICITY EXPIRY DATE: 13/01/20	SITE VISIT DATE: 30/08/19 & 17/12/19	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
16/503775	Residential development of 271 dwellings including 30% affordable housing, access and associated infrastructure (resubmission of 14/506264/FULL)	APPROVED	19/01/17
14/506264	Residential development of 271 dwellings including 30% affordable housing, access and associated	WITHDRAWN	16/05/16

	infrastructure		
14/500532	EIA Screening Opinion - Residential development of 335 new dwellings, associated access, landscaping and open space	EIA NOT REQUIRED	

1.0 DESCRIPTION OF SITE

1.01 The application site has an area of approximately 10.6ha and is to the north of Sutton Road. The site is to the southeast of Maidstone and is between housing under construction to the north, and housing recently completed to the west and south which were all housing site allocations in the Local Plan. To the northeast is a cricket ground and to the east open fields with 'Rumwood Court' beyond. There is an area of Ancient Woodland (AW) adjoining the northwest boundary and a block of woodland to the north. These woodland areas are protected under Tree Preservation Orders as are a line of trees within the centre of the site and other individual trees. Bicknor Farmhouse a GII listed building is to the south of the site, surrounded by its associated farm buildings, and Rumwood Court is GII listed around 270m to the east. Public Right of Way (PROW) KM94 runs from north to south down the centre of the site.

1.02 The site made up of open grassed fields split down the middle from south to north by a farm track flanked by hedging for the southern half, and a line/group of trees for the northern half. It includes a large area of hard surfacing that fronts Sutton Road associated with Bicknor Farm, and wraps around the rear of the Bicknor Farm complex. There is a small section in the southwest corner that adjoins the rear of 1 & 2 Bicknor Farm Cottages. The boundary with Sutton Road is mainly open by the 'Langley Park' roundabout but features a row off tall lime trees to the east. The west boundary has woodland, the north has hedges and woodland, and the east boundary has a grey palisade fence along its entirety, which is outside the application site and the applicant's control. The site gently slopes down by around 2m from the front (south) to north.

1.03 Importantly, the site is allocated for housing development in the Local Plan with policy H1(9) allowing up to 335 houses subject to a number of criterion.

2.0 BACKGROUND/PLANNING HISTORY

2.01 Full planning permission was granted at the site for 271 houses in January 2017 under application 16/503775. This permission expires on 19th January but is a material consideration.

2.02 Following the grant of that permission the site was allocated for 335 houses under policy H1(9) when the Local Plan was adopted in October 2017.

3.0 PROPOSAL

3.01 This application seeks full permission for 302 houses with access off the roundabout immediately south of the site on Sutton Road, and pedestrian/cycle links to the west and north. A range of detached, semi-detached, and terraced houses are proposed and a number of apartment blocks to provide a mix of house types and sizes. Affordable housing would be provided at 30% (91 units). Houses would be 2 storeys in height with the apartment blocks at 3 storeys. Building designs are 'traditional' in style in terms of their height, form and appearance. Areas of open space are provided throughout the site with the main area running through the centre. The design and layout will be discussed in more detail in the assessment below.

3.02 The previous permission also took access of the roundabout, had a similar range of housing sizes including apartment blocks of 2-3 storey heights, was of a similar 'traditional' design style, and with 30% affordable housing. The main difference is that 32 more houses are proposed.

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP3, SP18, SP19, SP20, SP23, H1, ID1, H1(9), DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Building for Life 12
- MBC Air Quality Guidance
- MBC Public Art Guidance

5.0 LOCAL REPRESENTATIONS

5.01 **Otham Parish Council:** Originally raised no objections but following re-consultation raise objections and make the following (summarised) points:

- Concern that too many houses are being built on the already overloaded A274 Sutton Road. Appropriate infrastructure needs to be in place BEFORE more vehicles add to the congestion.
- Rat running through villages will be exacerbated using roads that were never intended for the volume of traffic they are experiencing.
- Affordable dwellings should be spread more evenly throughout the proposed development, rather than heavily concentrated in two corners and every road should have a mix of housing.
- More needs to be done to address the health risks/anti-social behaviour associated with dog fouling.
- Consideration should be given to upgrading PROW KM94 north of the site to make it suitable for pushchairs and wheelchairs.
- The developer should afford the Cricket Club fencing as a security measure.

5.02 **Bearsted Parish Council:** Raises objections for the following (summarised) reasons:

- Development will exasperate an already congested road network and impact will be severe.
- Junctions are over capacity and KCC have not been able to come up with any solution, remedial or mitigating actions.
- There will be extensive queuing.
- Roads are over capacity and safety records will worsen.
- Poor air quality.
- Bus service is poor.

5.03 **Local Residents:** 4 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Highway safety.
- Harm to the landscape.
- Should be less housing.
- Link to the housing estate to the west would place a burden on the management costs to residents from the extra usage and harm amenity.
- Lack of infrastructure.
- Impact on air quality.
- Poor public transport.
- Lack of parking.
- Rat running occurs on local roads.

6.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

6.01 **Highways England: No objections.**

6.02 **Natural England: No objections.**

6.03 **KCC Highways: Raise objections** on the basis of an unacceptably severe traffic impact upon the A274 corridor.

6.04 **KCC Economic Development:** Consider that under CIL the proposals would fail to support the requisite community infrastructure required to mitigate the impacts of the development. Consider that monies towards primary education (£1,643,575) should be sought via Section 106 with the remainder CIL.

- 6.05 **KCC SUDs: No objections** subject to conditions.
- 6.06 **KCC Archaeology: No objections** subject to condition.
- 6.07 **KCC PROW: No objections** subject to moving the SUDs basins away from the diverted path or changing the route of the path.
- 6.08 **KCC Ecology: No objections** subject to conditions.
- 6.09 **KCC Minerals: No objections**
- 6.10 **MBC Conservation Officer: No objections.**
- 6.11 **MBC Environmental Health: No objections** subject to conditions relating to noise; charging points; lighting; and contaminated land.
- 6.12 **MBC Landscape Officer: No objections.**
- 6.13 **MBC Parks Team:** Requests £331,850 towards Senacre Recreation Ground (also known as Senacre Field) to be spent developing, refurbishing or maintaining the site. Expenditure may include professional and other fees and investigative works and studies reasonably incurred and or undertaken by the Borough Council.
- 6.14 **Southern Water:** Provide advice on pumping stations and advise that upgrades to the sewer network will be required and request a condition.
- 6.15 **Kent Fire & Rescue: No objections.**

7.0 APPRAISAL

- 7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that,
- "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."***
- 7.02 The Local Plan allocates the site for 335 houses under policy H1(9) subject to a number of criterion covering matters relating to design and layout, access, noise, air quality, open space, infrastructure, highways and transportation.
- 7.03 This is a full application for 302 houses and clearly the principle of housing is accepted under Local Plan policy H1(9), so it needs to be assessed as to whether the proposals comply/can comply with the policy criterion and any other relevant Development Plan policies.
- 7.04 The key issues for the application, which are centred round site allocation policy H1(9), are as follows:

- Access and connectivity.
- Layout, design, appearance, landscaping and open space.
- Highways impacts.
- Infrastructure.
- Other matters including air quality, drainage, ecology, and amenity.

7.05 The revised NPPF has a chapter dedicated to design (12- Achieving Well-designed Places) and there is specific reference to the design framework 'Building for Life 12'. This application has been developed and assessed against Maidstone's own version of this.

Access and Connectivity

7.06 Policy H1(9) states:

- 5. Access will be taken from the A274 Sutton Road**
- 6. Pedestrian and cycle access will be taken through site H1(6), and to site H1(7).**
- 4. Public footpath KM94 will be retained and improved, continuing the link between Sutton Road and White Horse Lane.**
- 14. Connections to the existing cycle network from Park Wood to the town centre, and by upgrading the PROW network to accommodate cycles.**

7.07 The application proposes access off the roundabout outside the site through creating a fourth arm into the site which has been the subject of an independent safety audit and to which KCC Highways raises no safety or capacity objections. The access would require the removal of some hedging and low quality trees but the landscaping scheme includes new tree planting at the entrance. The access would include a 3m wide shared pedestrian and cycle path across the site frontage with widening of the existing pavement to the west as far as is possible to link with the toucan crossing further west. A pavement link is then proposed on the south side of Sutton Road from the toucan crossing to the Parkwood Industrial Estate. These measures will all be secured by condition and provide good connectivity and access for pedestrians and cyclist on Sutton Road to link to the existing pedestrian and cycle network.

7.08 A link is proposed to the edge of site H1(6) to the west, which is now a completed and occupied housing scheme. The adjoining land is not in the ownership of the applicant and so the new path can only be provided up to the boundary of the application site. A pedestrian/cycle link is also proposed to the north to site H1(7) which is currently under construction, and would link up with the approved pedestrian/cycle route for that development. Another pedestrian connection would link up with PROW KM94 to the north. This provides connectivity to neighbouring housing estates and the PROW.

7.09 It is proposed to retain but alter the line of public footpath KM94 so that it runs along the entrance road and then up through the proposed central green corridor on a dedicated surfaced path. This would be subject to a separate formal diversion process, however, KCC have advised that the proposed route is suitable and welcome the section running through the open space. They have raised some concerns regarding the potential for SUDs basins near to the route and the applicant has confirmed that this can be changed through the detailed design of the SUDs scheme or the path could be altered slightly which can be dealt with by condition. The proposed route will ensure the PROW is retained through the development and it will be enhanced through hard surfacing in accordance with criterion 4.

7.10 So overall, the vehicular access point complies with policy H1(9) and is safe, and the scheme provides good pedestrian and cycle connectivity to adjoining housing sites, and the local area and amenities, in accordance with policy DM1 of the Local Plan and as advocated by 'Maidstone Building for Life 12'.

Layout, Landscaping and Open Space.

7.11 Policy H1(9) requires:

- 1. An undeveloped section of land will be retained on the eastern part of the site to protect the parkland setting of Rumwood Court.**
- 2. The provision of a 15m metre landscape buffer along the site's western boundary adjacent to the ancient woodland at Bicknor Wood.**
- 3. Development should be sited in order to preserve the setting of the listed buildings, Bicknor Farmhouse, in the south west corner of the site, and Rumwood Court to the east.**
- 9. Provision of a minimum of 1.23ha of open space.**

7.12 As stated above, there is a palisade fence which runs along the east boundary of the site. This looks poor but is outside the control of the applicant. Therefore a landscape buffer between the rear garden fences of houses of around 5m in width was negotiated in order to provide a landscaped edge to the site, which would also in time provide some softening of the palisade fencing. This also provides an undeveloped section of land in accordance with criterion 1.

7.13 The 15m buffer to the ancient woodland is provided on the west edge of the site with only a pedestrian/cycle link in the northwest corner encroaching as this is where the path on the site to the north links to the site. This is in accordance with criterion 2.

7.14 The development extends up to the edge of the Bicknor Farm complex. The Grade II listed 'Bicknor Farmhouse' fronts Sutton Road and is surrounded by farm buildings on its north and east sides. For this reason, the development would not harm the setting of this listed building, a view echoed by the Conservation Officer. The site is some 270m west of the Grade II listed 'Rumwood Court' and at this distance, and with mature trees

between, the development would not harm its setting. This is in accordance with criterion 3.

- 7.15 More generally, the layout is built around the existing green corridor which runs from south to north through the centre of the site through the established hedge over the south part, and the line of mature protected trees for the northern half. The layout retains the established hedge line which would run along the east side of the entrance road. This would open onto a central area of open space that would feature public art which would provide a wayfinding feature and sense of arrival in the centre of the site as advocated by 'Maidstone Building for Life 12'. The open space would continue as a spine up through the site where the mature protected trees would provide an attractive vista to the north. A green corridor would also be provided from the ancient woodland to the west linking up with central space, and a corridor would also run to the east edge of the site. These green spaces provide corridors on the edges of the site and links through it, and in utilising the positive landscape features of the site serve to create a distinctive place as advocated by 'Maidstone Building for Life 12'.
- 7.16 The built layout is made up of perimeter blocks of housing to ensure active streetscenes. The site entrance would feature ragstone walling either side to create a sense of arrival. Detached houses would face the entrance and new hedging alongside the entrance road would complement the established hedge on the opposite side. An avenue of street trees linking to the central open space would contribute to an attractive entrance.
- 7.17 The west and northwest parts of the site would be built at a higher density, with more terrace houses and apartments, these being the areas that adjoin existing housing sites, rather than bordering countryside. Landscaped front gardens and street trees would provide interest and the green corridor from the ancient woodland would provide breathing space. The eastern part of the site would be at a lower density with more detached properties and a more 'rural' feel with some shared surface streets. There would also be a small area of open space around a protected tree. In the southeast corner, buildings would be set well back from the line of tall lime trees along the frontage. Generally, the layout provides strong street scenes with houses addressing all roads, and buildings turning corners with architectural detailing and/or windows.
- 7.18 Landscaping includes native street trees of more compact and upright form including field maple, flowering cherry, and lime. Native tree planting with understorey native shrubs and wildflower mixes would be provided within the green corridors to provide a biodiversity network as well as visual interest. The ancient woodland buffer would be planted up with native woodland mixes to extend the woodland buffer. The central green would be more formal with mown grass to provide a useable area surrounded by trees and native hedging. Generally there would be a high proportion of native species but also flowering non-native species known to benefit wildlife and provide interest. Overall, I consider the species are appropriate and the amount of planting will provide an attractive setting to the development and benefit biodiversity.

- 7.19 With regard to trees, many of which are protected, no Category A trees would be removed for the development. Of the trees to be retained, in the instances where the development (mainly roads and paths) encroaches into root protection areas, a 'no-dig' form of construction is proposed. The landscape officer has reviewed the Arboricultural Impact Assessment and Method Statement and raises no objections subject a condition requiring compliance with the reports, and the tree retention and protection plans.
- 7.20 In terms of open space, criterion 9 requires a total of 1.23ha to be provided for the development and the layout provides in excess of this at around 1.8ha. This includes a mix of natural/semi-natural space mainly around the edges and through parts of the green corridors, a more formal central space, and a young children's play area towards the southeast corner. Other play areas also are accessible on neighbouring houses estates. It is noted that the Parks team have requested monies towards off-site open space. Notwithstanding that the scheme provides a good amount of on-site open space which is in excess of the site policy requirement, any off-site mitigation of existing open space would need to be sought via the Community Infrastructure Level (CIL).
- 7.21 Overall, the layout is considered to use the positive landscape features of the site well and builds upon them with new green corridors across the site to create a unique character in accordance with policy DM1 of the Local Plan and 'Maidstone Building for Life 12'. The landscaping scheme is of good quality and a range of open space areas are provided. For these reasons, it is considered that the layout is of a good quality and meets the requirements of policy H1(9) and DM1 of the Local Plan.

Design & Appearance

- 7.22 The house designs are similar to those used by the developer on the scheme immediately to the west. This being 'traditional' detached, semi-detached, and terrace houses with gabled and hipped roofs. Interest would be provided through plinth brick banding, soldier courses, a range of porches, and two storey bay windows on some properties. Terrace rows would have fully hipped roofs to reduce their mass and gabled porches to break up their fronts. The apartment blocks would be three storeys in height but their mass would be broken up with projecting gables set down from the main ridge lines, bay windows, different materials, and fenestration on all elevations to provide relief.
- 7.23 Materials would include multi-stock bricks, concrete roof and hanging tiles, and render on some properties. The use of clay roof and hanging tiles has been negotiated on those houses at the entrance through to the central green, and surrounding the green, to provide a higher quality material in the most prominent parts of the site. Timber boarding would also be used on some gables for porches and houses. Ragstone would also be used in walling at the entrance and along some of the open space areas which would introduce a high quality vernacular material.
- 7.24 The main roads would be tarmac, but some junctions, and roads around the central open space would be block paved. Block paving would also be used

for shared driveways, along the central green corridor, and for the vast majority of parking spaces. The pathways through the central open space area would be self-binding aggregate which would provide a sympathetic 'rural' finish. Boundary treatments include the ragstone walls at the entrance and along some areas of open space, brick walls on exposed boundaries, and low picket fencing enclosing front gardens of properties around the central green to create character. Timber post and rail fencing would enclose the central green corridor again providing a more 'rural' character.

Highways Impacts

Wider Network/Strategic Junctions

- 7.25 The Local Plan examination process which led to the adoption of the Local Plan in October 2017 involved the Local Plan Inspector considering, in great detail, the highways impacts and mitigation for the southeast Local Plan sites (which includes the application site), including objections/representations from statutory consultees and third parties. This involved carefully considering evidence provided by the Council, including the A274 Corridor Study, and the specific mitigation being a number of junction improvements on the A274, bus priority measures and bus service improvements (monies towards some of which had already been secured under planning permissions). The Local Plan Inspector was satisfied that the Council's evidence demonstrated the traffic impact of the Local Plan sites could be suitably mitigated, and in his Final Report concluded,

"169. The development proposals in the submitted plan already incorporate measures to mitigate the travel impacts. These include highway capacity improvements and improved bus services (including direct links to railway stations). If these measures are further supported by the bus access and bus priority measures, the impacts on congestion need not be severe. Air quality issues are capable of being addressed by these and other measures, including by action at national level.

170. In conclusion the Policy SP3 South East Maidstone Strategic Development Location will generate additional traffic and could contribute to an increase in congestion, particularly at peak hours, even after mitigation in the form of road improvements and other measures to make sustainable travel more attractive and effective. However the concentration of development close to the town does allow alternative and more sustainable means of travel to be made available. That is less likely to be the case were the housing to be located away from the town in another part of the Borough where residents would still need access to employment and services in the town."

- 7.26 The adopted Local Plan therefore includes strategic highways improvements to mitigate the impact of traffic for the southeast Maidstone sites, and relevant to this application, they are outlined under the site allocation policy (criterion 10-15).

- 7.27 The application site and the extant permission for 271 houses was included within the cumulative transport assessments carried out under the planning applications for the strategic southeast housing sites H1(7) - Land North of Bicknor Wood, H1(8) - West of Church Road, Otham, and H1(10) - Land South of Sutton Road, within the Local Plan. Permission for 271 houses was granted at the application site in 2017 and permission was granted on sites H1(7) and H1(10) in early 2018. The transport assessment cumulatively assessed all the southeast housing allocations and also included other commitment development (planning permissions at the time).
- 7.28 Under those applications, the Council accepted that the cumulative impact of development from all the southeast housing allocations could be suitably mitigated with improvements to the capacity of various junctions and improvements to bus services. Being prior to the introduction of CIL, financial contributions were secured under Section 106 agreements towards various off-site highways works/improvements which are outlined in the Council's Infrastructure Delivery Plan (IDP), where the total infrastructure costs and funding streams are stated.
- 7.29 Decisions to approve permission at Planning Committee at the application site, and on sites H1(7) and H1(10) with financial contributions towards infrastructure were made prior to the adoption of the Local Plan in September 2017. The Local Plan Inspectors Final Report and adoption of the Local Plan confirmed that the Council's approach to mitigating the transport impact of the southeast development sites is sound.
- 7.30 For the current application, the applicant relies upon the recent cumulative assessment of transport impacts carried out for sites H1(7) and H1(10) and the mitigation (which included 271 houses at the application site). These assessments (which the Council agreed with) concluded that the cumulative traffic impact upon the local network (including the application site) would not be severe subject improvements to relevant junctions and public transport. This is considered to remain an appropriate approach and there are no reasonable grounds to now disagree or depart from this approach that has been accepted recently by the Council. The applicant has however assessed the impact from the additional 31 houses beyond the previous planning permission and assessment. The applicant's evidence shows that the impact of an additional 31 houses would result in minimal impacts on A274 junctions beyond the previously approved development, which is to be expected. It is also important that the site allocation which was found to be sound by the Local Plan Inspector is actually allocated for up to 335 dwellings and the proposals falls well below this.
- 7.31 The site allocation policy at criterion (10-15) relating to strategic highways and transportation improvements states as follows:
- 10. Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.**
 - 11. Improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road.**

12. Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.

13. Improvements to capacity at the A229/A274 Wheatsheaf junction.

15. Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor.

7.32 The above improvements are based on the cumulative impact of development in southeast Maidstone and so compliance with the above criterion would be via monies towards the improvements. A change in circumstances since the previous decisions is the introduction of the Council's Community Infrastructure Levy (CIL), such that any monies towards strategic highways works required from cumulative transport impacts would be via CIL rather than financial contributions under a section 106 agreement. The applicant will have to pay CIL should planning permission be granted and implemented, and the Council can decide to use monies for the relevant highways improvements. This ensures compliance with the strategic highways requirements under the site policy.

7.33 Although none of the above improvements have commenced and clearly a number of the southeast sites are completed and occupied/part-occupied or under construction, the delivery of highway improvements is not the responsibility of the Local Planning Authority (LPA) or the applicant. The LPA can secure improvements via monies, CIL, or planning conditions (and has done so) but it is the responsibility of the Highways Authority to implement highways works. Therefore the LPA cannot withhold planning permission because highways works have not been delivered.

7.34 KCC Highways has been consulted on the application and has maintained its position of raising strong objections on the basis that the cumulative traffic impact on the A274 will be unacceptably severe referring to the A274 Sutton Road/Willington Street/Wallis Avenue Junctions, the A229/A274 Wheatsheaf Junction and the A274 Sutton Road/St. Saviours Road Junction. They consider the applicant has not demonstrated the impact can be fully mitigated and consider the residual traffic impact on the network is severe. They state,

"This planning application proposes large scale residential development in a location on the south eastern periphery of the Maidstone built-up area. The site lies remote from many of the key transport networks and journey destinations, including the town centre, railway stations and M20 motorway, in an area that is already experiencing substantial growth through planned new development. These characteristics limit the scope for local journeys to be undertaken by means other than the private car. They also influence the increase in traffic movements likely to occur on the congested south eastern A274/A229 corridor into Maidstone, where there is already extensive queuing and delay over prolonged periods.

Planning permission 16/503775 was granted against the advice of KCC Highways and the uplift in development scale now proposed will result in a further cumulative impact on traffic conditions. The applicant has not demonstrated that this impact can be fully mitigated.

Accordingly, the residual traffic impact on the A274 will be unacceptably severe and KCC Highways strongly object to the development proposals on this basis."

7.35 Essentially, the Highways Authority does not consider that the junction and public transport improvements outlined in the Local Plan, and to which monies have been secured, are sufficient to mitigate the impact of the development. This is the same position that was taken under the previous planning application, other applications in South East Maidstone, and at the Local Plan Inquiry by the Highways Authority. So this argument has been tested through planning applications and importantly through an Examination in Public. As outlined above, the mitigation measures are considered sound and are within the adopted Local Plan, and have been accepted by the Council on all planning applications for the southeast Maidstone allocated sites. On this basis, it is considered that the Highway Authorities objection is not reasonable grounds to refuse planning permission and could not be defended at appeal.

Public Transport

7.36 As outlined above, the development would have to pay CIL and these monies can be used towards the public transport measures outlined under the site allocation policy and within the Infrastructure Delivery Plan should the Council decide (bus priority measures and investment in bus services). New bus stops provided by recent development are located on Sutton Road around 80m west of the site entrance and so easy access to bus services is available.

7.37 The applicant has also provided a Travel Plan for the development aiming to reduce car usage and encourage public transport use, walking, and cycling and its aims are proportionate for this site and its location. This can be secured by condition and a monitoring fee of £948 will be secured under a section 106 agreement.

Other Highways Matters

7.38 Despite advising the applicant that there is no prescriptive requirement for a separate emergency access at pre-application stage, KCC have now raised this as an issue, although this does not form part of their objection. I have sought views from Kent Fire & Rescue who have stated they cannot advise on this and consider it is dealt with by the Kent Design Guide, which seeks a secondary emergency access for major access roads. The applicant's view is that the 6.75m carriageway at the entrance combined with a 2m verge and 2m footway one side, and a 2m verge and 3m shared cycle/footway on the other side, provides ample room for emergency services to manoeuvre past any potential obstruction on the main carriageway. I agree there is a large amount of room available and so do not consider a separate entrance is necessary, and also consider it would compromise the appearance of the entrance to the site, which would effectively have two entrances close to one another. In addition, the Kent

Design Guide is a guide, this is not a policy requirement nor is the development unsafe, and this is not part of KCC's objection.

- 7.39 Under the previous permission, monies (£113 per dwelling) were secured via the Section 106 towards potential mitigation measures should development traffic use more minor local roads, which were considered to be less suitable for increases in traffic. This would be measured through traffic monitoring carried out by the developer. On the basis that this was required previously it is considered reasonable and necessary to secure this once more which would be a total of £34,126. This is considered to be a development-specific requirement and so the use of Section 106 is appropriate.

Off-Site Infrastructure

- 7.40 KCC are requesting s106 monies towards primary education (land and build costs) totalling £1,643,575 for the primary school at Langley Park to the south of the site. In summary, they make this request on the basis that the previous permission would have provided s106 contributions; that the new 2FE primary school at Langley Park was predicated on meeting the demand generated by developments in the immediate vicinity of which the Bicknor Farm site was one; in their view CIL would fail to support the requisite community infrastructure required to mitigate the impacts of the development; and there is no guarantee that developer contributions will come forward for the new Langley Primary School under the CIL process.

- 7.41 The adopted CIL is charged on new floor space to help deliver infrastructure to support development. CIL is relevant for 'strategic' infrastructure and projects where there is a cumulative requirement so monies can be pooled. Section 106 is generally relevant for on-site/site-specific infrastructure or off-site where the scale of development requires a stand-alone project. The scale of development proposed here is not such that it generates the need for a new standalone school/form of entry or specific on-site infrastructure, and so s106 monies are not appropriate or reasonable in this case. The development will place an additional demand on such services, and CIL monies could potentially be used towards primary education which is in accordance with policy DM20. The new primary school is obviously open on Langley Park so is available to serve new pupils from the development.

Other Matters

Affordable Housing

- 7.42 Affordable Housing is proposed at 30% (91 units) with the tenure split 70% affordable rent and 30% shared ownership. This overall amount (30%) is in accordance with policy SP20 as is the tenure split and this will be secured under the legal agreement. A monitoring fee for the s106 will also be secured.
- 7.43 The Parish Council initially raised concerns regarding the concentration of the affordable dwellings, and this was something officers agreed with. As such the layout has been amended to break up, and better integrate the

affordable housing. Whilst it cannot be provided on every street as suggested by the Parish Council for management reasons, the spread is now acceptable and in accordance with policy SP20.

Air Quality

7.44 Policy H1(9) requires:

8. *Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.*

7.45 An air quality assessment has been submitted which concludes that any increases in NO₂ concentrations are expected to have a negligible impact on air quality and would not cause any exceedances of the relevant Air Quality Standards. The site is located outside any Air Quality Management Areas and it concludes that new residents would not be subjected to poor air quality. The Environmental Health section has reviewed the assessment and raises no objections. In line with the Council's Air Quality Planning Guidance, an emissions mitigation calculation has been used to quantify potential emissions from the development and provides a suggested mitigation value for proportionate mitigation to be integrated into the development. A number of potential mitigation measures are outlined and the specific measures can be secured by condition which can include measures such as EV charging points for houses with off-street parking as this is a requirement under policy DM23 of the Local Plan.

Drainage

7.46 The ground conditions are suitable for infiltration so it is proposed that surface water would drain into the ground. This would involve both shallow and deep bore soakaways, permeable surfacing, and also run-off would be stored in tanks and piped to open space areas where there would be SUDs basins and trenches. KCC LLFA has raised no objections subject to a condition securing the fine details of the drainage scheme.

7.47 Southern Water has advised that there is not currently sufficient capacity in the local network for foul drainage. Increased capacity/any necessary upgrades and connections would be provided between the developer and Southern Water via the Water Industry Act with connection at the nearest point of adequate capacity in line with criterion 16 of policy H1(9). A pumping station is required and this will be located in the northwest corner.

Ecology

7.48 The applicant's assessment reveals that there is an active badger sett on the site, bats are roosting within some trees, bats forage within the site, and that low numbers of slow worms were recorded in 2014 but not in 2019. The main ecological interest is the tree line within the centre of the site and the trees and woodland on the edges.

7.49 The site does not have high ecological value but mitigation is proposed for reptiles, bats and badgers. Although reptiles were not recorded in 2019, a

supervised destructive search would be carried out where they were previously found and should any be discovered found they would be translocated to the applicant's site in Staplehurst (Fisher's Farm) where there is an area suitable for reptiles as part of the GCN mitigation for that development. This is acceptable because any numbers would be very low on site, so it would be healthier for any reptiles to be moved to an area where there is a larger population. No trees with recorded bat roosts would be removed and so mitigation is limited to appropriate lighting and limiting light within the green corridors. For badgers, the existing sett is close to the proposed 'central green' and therefore a new artificial sett would be provided towards the north end of the central green corridor. Subject to ensuring the new sett is protected and surrounding vegetation and has the maximum time to establish (which is proposed), KCC Ecology raise no objections. Overall, these mitigation measures are deemed to be acceptable by KCC Ecology and can be secured by condition. A mitigation plan for the ancient woodland is also proposed to protect it during construction and once the development is occupied which can be secured by condition. With the above mitigation, the development would be in accordance with policy DM3 of the Local Plan.

- 7.50 Enhancements are proposed in the form of tree mounted bat boxes, bat tubes within buildings, tree and building mounted bird boxes, hedgehog boxes and corridors, and bee bricks. This is in addition to new native planting and wildflower grassland. This is considered a proportionate response based on the ecological value of the site and will provide an appropriate biodiversity net gain for this development in line with the NPPG.

Residential Amenity

- 7.51 Proposed houses would be spaced and positioned to ensure sufficient privacy and outlook. In terms of neighbouring properties, an apartment block (Block A) is proposed in the southwest corner of the site to the northwest of 2 Bicknor Farm Cottages. Because it is off-set to the northwest of this property, the apartment would not result in an obtrusive or overbearing impact upon this property or the rear outlook within the garden. Similarly because of the position off-set from the property and distance (20m), there would not be an unacceptable loss of privacy from the south facing windows on the apartment block. However, this property has low fencing around its rear garden and so a higher boundary would be needed on the application site to prevent a loss of privacy and car headlight light intrusion from the use of the parking area, and a 1.8m fence is proposed to ensure this. The parking area would not cause any unacceptable noise or disturbance due to the separation distance from the neighbouring properties. There is another apartment block (Block B) in the southwest corner which is near to an existing apartment block to the west of the site (Downton Court). The separation distance would be 20m and this is sufficient to ensure acceptable privacy between these apartments.

Sustainable Design

- 7.52 The developer is taking a 'fabric-first' approach with the new dwellings by basically ensuring they meet the strengthened on-site energy performance

standards of Building Regulations through thermally efficient buildings, low air permeability, and energy efficient boilers. They would also meet the Building Regulations optional requirement for tighter water efficiency. This is in accordance with policy DM2.

Archaeology

- 7.53 An archaeological evaluation of the site has taken place with trial trenches dug and this has revealed various features. The applicant is in the process of agreeing a programme of works with KCC where any archaeology would be recorded and this can be secured by condition.

Environmental Impact Assessment

- 7.54 As can be seen from the planning history, an EIA Screening Opinion was submitted in 2014 for 335 new dwellings. The Council concluded that an EIA was not required and this took into account the cumulative impact from the development to the west and Langley Park to the south. The Bicknor Wood site immediately to the north was screened in 2015 and an EIA was not required. Recently this year, a screening opinion on site H1(8), which took into account the cumulative impact of the southeast Maidstone housing allocations, concluded that the development would not be likely to have significant effects upon the environment sufficient to warrant an EIA.
- 7.55 In screening the current proposal, the scheme is for housing rather than any complex development, and it is not considered that the characteristics or size of the development are such that significant environmental impacts are likely to arise. The potential for cumulative effects with other approved nearby developments is also not considered to be so substantial that significant environmental impacts are likely to arise, and this is a view the Council have consistently taken on southeast housing sites. The development would not have any significant impacts on natural resources, land, soil, water, or biodiversity, nor would it result in any significant production of waste or pollution. There would be no risk of major accidents or harm to human health. The effects of the development would essentially be 'local' and having regard to the guidance within the EIA Regulations and the NPPF/NPPG, it is not considered that the development would be likely to lead to significant environmental effects of a nature that would require an EIA.

Representations

- 7.56 Matters raised but not considered above relate to dog fouling, the burden on neighbouring residents management costs, the PROW north of the site, and providing security fencing for the Cricket Club.
- 7.57 Dog fouling and the provision of waste bins is not a planning consideration. I do not consider new residents would place any significant additional pressures on the open space areas and play areas of neighbouring housing estates, however, clearly an important principle of good planning and place making is linking neighbourhoods, people and communities. The Parish Council have suggested improvements to PROW KM94 to the north of the

site to make it suitable for pushchairs and wheelchairs. As this PROW only provides a link to a pub and not any significant amenities, I do not consider this is necessary or reasonable and so would not pass the tests for conditions. New security fencing for the cricket club is not necessary for the development to be acceptable and so cannot be required.

Public Art

7.58 In line with the Council's guidance, this scale of development is appropriate for some public art provision which the applicant is proposing within the central green. A Public Art Delivery Plan has been submitted which will be followed in providing the public art which can be secured by condition.

8.0 CONCLUSION

8.01 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

8.02 The site is allocated for 335 houses within the Local Plan under policy H1(9) subject to a number of criterion. The application proposes 302 houses and for the reasons outlined in the report above, the proposals comply with all policy criterion subject to the legal agreement and conditions. The application also complies with all other relevant Development Plan policies.

8.03 Kent Highways are raising objections on the basis that the cumulative traffic impact on the A274 will be unacceptably severe. For the reasons outlined in the report, the Local Planning Authority does not agree the impact is severe, and the objections are not considered to be reasonable grounds to refuse planning permission.

8.04 All representations received on the application have been fully considered in reaching this recommendation.

8.05 It is concluded that the development is acceptable and complies with policy H1(9) and all other relevant policies of the Development Plan. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions as set out below.

9.0 RECOMMENDATION

Subject to:

The conditions set out below, and the prior completion of a legal agreement to secure the heads of terms set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION** (and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee).

Heads of Terms

1. 30% affordable housing provision (made up of 70% affordable rent and 30% shared ownership).
2. £34,126 towards Traffic Displacement mitigation.
3. £948 Travel Plan monitoring fee.
4. £1,500 Section 106 monitoring fee.

Conditions

Approved Plans

1. The development hereby permitted shall be carried out in accordance with the Drawing List dated 29.11.19.

Reason: To clarify which plans have been approved, to ensure a high quality development, and to protect residential amenity.

Time Limit

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance

3. The development shall be carried out in accordance with the external building materials as shown on drawing no. 003 RevD unless alternative details are submitted to and approved in writing by the local planning authority pursuant to this condition. Such alternative details must be submitted prior to any development above slab level taking place and the development shall be carried out in accordance with any approved alternative details..

Reason: To ensure a high quality development.

4. The development shall be carried out in accordance with the hard surface materials as shown on drawing no. 010 RevE unless alternative details are submitted to and approved in writing by the local planning authority pursuant to this condition. Such alternative details must be submitted prior to any development above slab level taking place and the development shall be carried out in accordance with any approved alternative details...

Reason: To ensure a high quality development.

5. The development shall be carried out in accordance with the boundary treatments as shown on drawing no. 004 RevE unless alternative details are submitted to and approved in writing by the local planning authority pursuant to this condition. Such alternative details must be submitted prior to any development above slab level taking place and the development shall be carried out in accordance with any approved alternative details...

Reason: To ensure a high quality development and to protect residential amenity.

6. The soft landscaping shall be carried out in accordance with the 'Landscape Proposals' Drawings RevG (Sheets 1 to 5) unless alternative details are submitted to and approved in writing by the local planning authority pursuant to this condition. Such alternative details must be submitted prior to any development above slab level taking place and the development shall be carried out in accordance with any approved alternative details.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

7. All planting, seeding and turfing specified in the approved landscape details shall be carried out either before or in the first planting season (October to February) following the occupation of the building(s) or the completion of the development, whichever is the sooner; and seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory setting to the development.

8. The soft landscape and ecology areas shall be managed in accordance with the Landscape and Ecological Management Plan dated 12th November 2019.

Reason: In the interest of biodiversity management and enhancement.

9. The development shall be carried out in accordance with the mitigation strategies for reptiles, bats, breeding birds, badgers, and the ancient woodland, and the ecological enhancements, as outlined in the Ecological Design Strategy dated November 2019 and Corylus Ecology letter dated 7th January 2020.

Reason: In the interest of biodiversity management and enhancement.

10. The development shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement (dated 29 November 2019) and the Tree Retention and Protection Plans LLD1654-ARB-DWG-003-02 and LLD1654-ARB-DWG-004-02.

Reason: To ensure trees are retained and protected during construction in the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory setting to the development.

11. The areas of public open space as shown on drawing no. 011 RevD shall be maintained as public open space in perpetuity.

Reason: To ensure adequate open space areas for the development.

12. The 'Public Art Delivery Plan' shall be followed to deliver the public art and it shall be installed in accordance with the timetable set out within the 'Lead Artist Brief 2019' and maintained in accordance with the applicant's email dated 13/01/20.

Reason: To comply with the Council's public art guidance and to provide a sense of place.

13. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

Pre-Commencement

14. No development shall take place until details of the proposed slab levels of the buildings, roads and paths, together with existing site levels have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

15. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment (Charles & Associates, July 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- a) That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- b) Appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

16. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved

Reason: In the interests of human health.

17. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

- a) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- b) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

18. No development shall take place on any phase of the development until the submitted Landscape and Ecological Management Plan (LEMP) has been reviewed and updated for that phase, and then submitted to and approved in writing by the local planning authority. The updated LEMP must include the following information:

- a) Time frame for the habitat creation and ongoing management.
- b) Results of ongoing monitoring for the wider site.
- c) Changes of any management within the wider site.

The LEMP must be implemented as approved.

Reason: In the interest of biodiversity protection and enhancement.

19. No development shall take place a detailed badger mitigation and monitoring strategy has been submitted to and approved in writing by the Local Planning Authority. It must be based on the recommendations within the Ecological Design Strategy (November 2019) and the Letter from Corylus Ecology (dated 7th January 2020) and include a phasing plan demonstrating that the development of each phase is in line with the requirements of the badger mitigation strategy. The mitigation strategy shall be implemented as approved.

Reason: In the interest of biodiversity protection.

20. Notwithstanding the approved plans and prior to the commencement of development, an amended plan shall be submitted to and approved in writing by the local planning authority showing an alternative location for any SUDs features near to the diverted footpath, or the diverted footpath sited further away from any SUDs features. The development shall be carried out in accordance with the approved details.

Reason: To ensure a useable public footpath is maintained.

Pre-Slab Level

21. No development above slab level shall take place until a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014 (Sound Insulation and Noise Reduction for Buildings) has been submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: To ensure an appropriate standard of residential amenity.

22. No development above slab level shall take place until details of electric vehicle charging points, which shall be provided on all plots with on-plot parking, have been submitted to and approved in writing by the Local Planning Authority. The charging points shall be installed prior to occupation of that dwelling and shall be carried out in accordance with the approved details and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles.

23. No development above slab level shall take place until details of a pavement link on the south side of the A274 between the toucan crossing to the west of the application site and Bircholt Road have been submitted to and approved in writing by the local planning authority (in consultation with the Highways Authority). The approved details shall be provided in full prior to the occupation of the development.

Reason: In order to provide appropriate connectivity.

24. No development above slab level shall take place until a sample panel of the ragstone for the walling, including mortar mix details, has been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

Reason: To ensure a high quality appearance.

25. No development above slab level shall take place until a detailed lighting scheme demonstrating that the lighting has been designed to meet the recommendations within the Ecological Design Strategy (Corylus Ecology; November 2019) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained.

Reason: In the interest of biodiversity protection.

Pre-Occupation

26. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local

Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained.

27. The development shall not be occupied until the access as shown on drawing no. 18-048-010 RevH has been fully implemented.

Reason: In the interests of highway safety.

28. The development shall not be occupied until the off-site highways works as shown on drawing no. 18/068-024 RevC have been provided in full.

Reason: In order to provide appropriate connectivity.

29. The measures within the approved Travel Plan (dated July 2019) shall be fully implemented in accordance with the Plan.

Reason: In order to promote sustainable transport use.